

SENATE BILL 360  
By Williams

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the punishment for the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (a)(1) in its entirety and substituting instead the following:

(a)(1) Violations of § 55-10-401 shall be punished as follows:

(A) For a first offense, by:

(i) Imprisonment for not less than seventy-two (72) hours nor more than eleven (11) months and twenty-nine (29) days;

(ii) A fine of not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500); and

(iii) Suspension of the defendant's driver license for a period of one (1) year.

(B) In addition to the penalties set out for a first offense violation in subpart (A), if at the time of such offense the alcohol concentration in

such person's blood or breath is twenty hundredths of one percent (.20%) or more, the minimum period of confinement for such person shall be seven (7) consecutive calendar days rather than seventy-two (72) hours. The provisions of this subpart constitute an enhanced sentence, not a new offense.

(C) For a second offense, by:

(i) Imprisonment for not less than one hundred twenty (120) days nor more than eleven (11) months and twenty-nine (29) days;

(ii) A fine of not less than six hundred dollars (\$600) nor more than three thousand five hundred dollars (\$3,500); and

(iii) Suspension of the defendant's driver license for a period of two (2) years.

(D) Upon conviction for a second offense only, the judge may sentence such person to participate in a court approved alcohol or drug treatment program.

(E) For a third offense, by:

(i) Imprisonment for eleven (11) months and twenty-nine (29) days;

(ii) A fine of not less than one thousand one hundred dollars (\$1,100) nor more than ten thousand dollars (\$10,000); and

(iii) Suspension of the defendant's driver license for a period of not less than three (3) years nor more than ten (10) years.

(F) A fourth or subsequent offense shall be a Class E felony and, notwithstanding any other provision of law to the contrary, punished by:

(i) Imprisonment for not less than three hundred (300) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E felony;

(ii) A fine of not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000);

(iii) Suspension of the defendant's driver license for a period of five (5) years; and

(iv) A period of community service work to be determined by the court.

(G) After service of at least the minimum sentence imposed pursuant to this subsection day for day, the court, in addition to any of the penalties otherwise provided in this section, has the discretion to require a defendant convicted of violating § 55-10-401, to:

(i) Remove litter from the state highway system, public playgrounds, public parks or other appropriate locations for any prescribed period; or

(ii) Work in a recycling center or other appropriate location for any prescribed period of time.

(H) Any defendant sentenced to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations or to work in a recycling center pursuant to subpart (G), shall be allowed to do so at a time other than such person's regular hours of employment.

(I) If the court sentences a defendant to perform the type of work described in subpart (G), such work may also be used to satisfy the community service work requirement of subpart (F)(iv).

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.